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ADMINISTRATIVE AND FINANCIAL MATTERS

INSTITUTIONAL LINKAGE OF THE CONVENTION SECRETARIAT TO THE UNITED NATIONS

Note by the Executive Secretary

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I. INTRODUCTION

A. Mandate

1. At its first session, the Conference of the Parties (COP), by its decision 14/CP.1,[1] inter alia, decided that the Convention secretariat shall be institutionally linked to the United Nations, while not being fully integrated in the work programme and management structure of any particular department or programme. The COP also took note of, and provisionally accepted, the arrangements proposed by the Secretary-General of the United Nations for administrative support to the Convention secretariat. The COP decided further to review the functioning of the institutional linkage not later than 31 December 1999, in consultation with the Secretary-General, with a view to making such modifications as may be considered desirable by both Parties.

2. Similarly, the United Nations General Assembly, by its resolution 50/115 of 20 December 1995, paragraph 2, inter alia, endorsed the institutional linkage between the Convention secretariat and the United Nations, as advised by the Secretary-General and adopted by the Conference of the Parties at its first session, and requested the Secretary-General to review the institutional linkage not later than 31 December 1999, in consultation with the Conference of the Parties, with a view to making such modifications as may be considered desirable by both parties and to report thereon to the General Assembly.

B. Scope of the note

3. The present note provides a brief report on the institutional linkage of the Convention secretariat to the United Nations and how it has worked out in practice. Related issues to be considered by the Conference of the Parties at its fifth session are also identified.

C. Possible action by the Subsidiary Body for Implementation

4. The Subsidiary Body for Implementation may, at its tenth session, wish to make a recommendation on the institutional linkage of the Convention secretariat to the United Nations for adoption by the Conference of the Parties at its fifth session. Such a decision could be taken into account by the General Assembly at its forthcoming fifty-fourth session in taking a decision on the same subject. In order to facilitate action by the General Assembly, it would be desirable for such a decision to be adopted by the Conference of the Parties at the start of its fifth session.

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[1] See document FCCC/CP/1995/7/Add.1.

II. THE INSTITUTIONAL LINKAGE IN PRACTICE

5. The institutional linkage of the Convention secretariat to the United Nations has its roots in the fact that the ad hoc and interim secretariats from which the permanent secretariat was derived were administratively located within a headquarters department of the United Nations secretariat. Thus, for the first five years, secretariat services to the Convention process were provided within a United Nations context according to United Nations rules and practices, drawing upon the support and cooperation of various departments, programmes and agencies in the United Nations family and enjoying access to related intergovernmental processes. In envisaging the nature of the permanent secretariat of the Convention, it was felt desirable to continue this type of arrangement on account of its several advantages. Consequently, a formal institutional linkage was proposed by the Secretary-General of the United Nations and accepted by the Conference of the Parties by its decision 14/CP.1.

6. The Convention secretariat is managed by the Executive Secretary, who is appointed by the Secretary-General of the United Nations after consulting the Conference of the Parties through its Bureau. The Executive Secretary enjoys a considerable degree of delegated authority and reports to the Secretary-General on administrative and financial matters through the Under-Secretary-General for the Department of Management and on other matters through the Under-Secretary-General for the Department for Economic and Social Affairs.

7. The administrative aspects of the linkage provide for the Convention secretariat to be administered according to United Nations regulations and rules on personnel and financial matters, thereby avoiding the need for the Parties to the Convention to develop their own rules. This cost-effective arrangement extends to such matters as staff entitlements, post classification standards and supervision by the internal and external auditors of the United Nations. The division of administrative tasks in support of the secretariat is currently under review, with the aim of concentrating as many of these as possible in the secretariat in Bonn and minimizing long distance transactions with the central services of the United Nations in Geneva and New York (see FCCC/SBI/1999/3).

8. A particular aspect of the current arrangement is the provision from the United Nations regular budget of conference services for meetings of Convention bodies. This has resulted in considerable savings to the Convention budget over its first two bienniums (1996-1997, 1998-1999). This arrangement is to be reviewed in the context of the adoption of the Convention budget and the United Nations budget for the next biennium (2000-2001) (see FCCC/SBI/1999/4).

9. Another important benefit provided by the institutional linkage is the application of the Convention on the Privileges and Immunities of the United Nations to the representatives of the Parties and observers attending meetings organized by the Convention secretariat and

officials of the Convention secretariat and other staff of the United Nations performing functions for the Convention secretariat. In addition, the travel of staff of the Convention secretariat on mission is covered by the issuance of the United Nations Laissez-Passer.

10. On the substantive side, the linkage encourages the Convention secretariat, as part of the United Nations family of organizations, to continue to build cooperative arrangements with other departments, programmes and agencies that have a capacity to contribute to work on climate change at the global, regional and national levels. In this way, the campaign to protect the global climate is conducted under the United Nations flag.

III. RECOMMENDATION

11. The Executive Secretary is authorized to state, on behalf of the Secretary-General, that the institutional linkage is working satisfactorily and is being adapted to changing circumstances; and that, subject to a positive finding by the Subsidiary Body for Implementation, the Secretary-General intends to seek the endorsement of the General Assembly for its continuation.

12. In view of the above, the Executive Secretary recommends that the Subsidiary Body for Implementation advise the Conference of the Parties at its fifth session to approve the continuation of the institutional linkage of the Convention secretariat to the United Nations, subject to review at such intervals as may be considered desirable by both parties.

IV. RELATED MATTERS TO BE CONSIDERED BY THE CONFERENCE OF THE PARTIES AT ITS FIFTH SESSION

A. Juridical personality

13. The Conference of the Parties, at its second session, by decision 15/CP.2[2] relating to the agreement concerning the Headquarters of the Convention secretariat, concluded that the COP should consider, in the context of the review of the functioning of the institutional linkage of the Convention secretariat to the United Nations, whether the functions that have to be carried out by the Convention secretariat necessitate that it be given juridical personality on the international plane. This matter will be brought before the COP at its fifth session.

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[2] See document FCCC/CP/1996/15/Add.1.

B. Headquarters agreement

14. In the light of the experience gained in the implementation of the Headquarters agreement between the United Nations, the Government of the Federal Republic of Germany and the Convention secretariat, it may be timely for the Conference of the Parties to review the implementation of the Headquarters agreement at its fifth session.